

REMARKS/ARGUMENTS

In the Final Office Action mailed April 5, 2005, claims 1-3, 5-8, 10, 11 and 25 stand rejected. Claims 12-24 were allowed. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Final Office Action. All the pending claims at issue are believed to be patentable over the cited references.

No claims are amended. Claims 1-3, 5-8, 10-12 and 25 are cancelled. No claims are added. As such, claims 13-15, 17-24 remain pending.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 10, 11 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,589,289 to Neuhaus (hereinafter referred to as "Neuhaus"). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

Initially, Applicant notes that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must "bear within its four corners adequate directions for the practice of the patent invalidated." (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Neuhaus embodies no such directions.

Applicants have cancelled claims 10, 11 and 25. Therefore, Applicants respectfully request that the rejection to these claims be removed as well.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Neuhaus in view of United States Patent No. 6,609,407 to Tambini (hereinafter referred to as “Tambini”).

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142.

Claims 1-3 and 5 have been cancelled in the current response. Applicant respectfully requests the rejection to these claims be removed as well.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Docket No. 87355.3000
Application No. 09/964,470
Customer No. 30734

Special Examination Procedures
Amendment After Final
Under 37 C.F.R. 1.116

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87355.3000.

Respectfully submitted,

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